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Sent by email

June 21, 2019

Andrea Leshak, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Boradway, 17th Floor
New York, New York 1007-1866
Leshak.andrea@epa.gov

Re: Noti

Notice of Potential Liability and Request for Information Pursuant to Sections 107(a) and 104 (e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675, relating to PROTECO Site in Peñuelas, Puerto Rico

Dear counsel Leshak:

On behalf of our client, Resources Management, Inc. ("RMI"), enclosed please find the response to the referenced EPA's Request for Information (RFI). This response is submitted within the extension of time provided by the agency. The exhibits to the response are being delivered by courier.

Should you have any question regarding this response, please do not hesitate to contact our office or the undersigned at (787) 645-8458.

Sincerely,

Rafael A. Toro-Ramirez

Enclosure

c: Zolymar Luna

luna.zolymar@epa.gov

PROTECO'S RESPONSE TO EPA'S INFORMATION REQUEST PURSUANT TO SEC. 104(e)(a) of CERCLA, 42 U.S.C. §9604(e)(a)

Resources Management, Inc. d/b/a PROTECO ("RMI" or "Company") responds to EPA's information request ("RFI") dated March 28, 2019 relating to the PROTECO Site in Peñuelas, Puerto Rico.

As instructed in Attachment A of the RFI, a separate response is made to each of the questions set forth in the RFI and each response is preceded with the corresponding number of the question and the subpart to which it responds. Each response is provided in *italics*. The responses are provided to best of RMI's ability, after seeking responsive information from current and former employees and/or agents. At the end of each response the person(s) that provided the information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response, are identified.

Introduction:

As an introduction to the responses provided, we understand that it is important to present a general historical background of the Company and the operations conducted at the Site. For the purpose of this response, term "Site" we understand to be the former hazardous wastes treatment, storage and disposal facility ("TSDF") as defined under the federal Resources Conservation and Recovery Act, citation omitted, as amended, ("RCRA") Subtitle C hazardous waste program, located at Km. 4.4, PR-385, Tallaboa Ward, Peñuelas, PR.

Sometime between 1974 and 1975 Servicios Carbareón, Inc. ("Carbareón") reached an agreement with the owner of the property where the Site is located, Compañía Ganadera del Sur, Inc. ("Ganadera") to receive and dispose of industrial wastes, mostly coming from the petrochemical complex located in Peñuelas, known as the Commonwealth Oil Refining Company ("CORCO"). Carbareón also received wastes from pharmaceuticals manufacturing industries and other industrial waste generators in Puerto Rico. The wastes were received in bulk, such as tank-trucks, and in drums. The wastes were disposed of in areas excavated in the ground, i.e. waste pits, later identified as waste units.

After the hazardous wastes federal regulations promulgated under RCRA came into effect in November 1980, the Company continued its operations under a Part A Interim Status Permit for TSDF. The operation of the Company was conducted following the waste tracking procedures established under such regulation, including the use of hazardous wastes manifests. These procedures included also that copies of the completed hazardous wastes manifests were sent to the PR Environmental Quality Board ("PREQB") and to the Hazardous Wastes Generator, as defined under RCRA. Presently, the Company does not have copies of those hazardous waste manifests, therefore, the responses provided that are related thereto are based on best recollection.

In December of 1985, Carbareón's Certificate of Incorporation was amended to change the name of the corporation to Protección Técnica Ecológica Corp. (PROTECO). After several years, which understand to be in 1990, PROTECO decided not to dispose of any more hazardous wastes,

as defined under RCRA, at the Site.

Following a Consent Decree between EPA and PROTECO an amount of money was deposited in an escrow fund to be used for closure of waste units at the Site. We recall that the amount deposited in the escrow account was approximately \$500,000. A we understand, the amount in the escrow fund was later transferred to a Trust Fund established to pay for expenses related to the closure and post-closure of the Site. We understand that other amounts were also deposited.

In 1989 PROTECO merged with Resources Management, Inc. (RMI) and continued operating under the RMI's name. RMI had the original intention of filing for a Part B Permit under RCRA for the TSDF, but discontinued these efforts after an evaluation of the hazardous wastes market and needs in Puerto Rico.

We understand that reports on groundwater monitoring were regularly submitted to the EPA. Presently, the Company does not have copies of those reports, therefore, the responses provided that are related thereto are based on best recollection.

In September 1996 the Company submitted a Closure and Post Closure Care Plan for Waste Units 1, 2, 3, 5, 6, 9, 10, 11, 12, 13, 16 and 17 (the "Closure Plan"). These waste units are described in the responses.

In May 1997 PROTECO sold its assets and operation related to non-hazardous wastes, including hauling operations and landfill rights.

In September 1997 the Closure Plan was approved by the EPA and in April 1999 its construction and implementation was completed and certified. The design and construction of the Closure Plan cost approximately \$5 million.

After the Closure Plan was completed, a Post-Closure Plan (the "PCP") was prepared and discussed with the EPA. As part of the negotiations on the PCP, PROTECO submitted a report titled "Analysis of Potential Groundwater Flow Pathways, Proteco Industrial Landfill Facility, Peñuelas, PR", prepared by Neven Kresic. Ph.D. in Geology and Hydrogeology (the "Groundwater Report"). The conclusion of the Dr. Kresic was that the analysis presented in the Groundwater Report demonstrates that there is not a pathway for transport from the PROTECO Site to the Tallaboa Valley alluvial aquifer and that therefore, any potential release of contaminants of concern from the Site would pose no threat to human health and the environment.

PROTECO never received a response from the agency that would conclude different from Dr. Kresic and that would scientifically justify the monitoring of underground water at the Site. As a matter of fact, the last communication received by PROTECO regarding EPA's evaluation of the PCP was in the year 2009 and included a requirement to drill a monitoring boring through the middle of the closure cap. This alternative was not acceptable to PROTECO because it did not want to perturb the closure cap. Afterwards, no further communication was received from the EPA regarding the PCP and an approval of the PCP was never received by PROTECO.

Nevertheless, from the date of approval of the Closure Plan in 1999 to the year 2009, PROTECO implemented post-closure care activities at the Site, mostly related to the maintenance and access control of the Site. PROTECO used its own money to provide for this post-closure care, instead of money from the Trust Fund.

As the EPA may note from the responses to the RFI, many are based on our best recollection of events and our recent review of documents that are available. If there are inconsistencies between our responses and information contained in the documents, the later shall prevail. If further clarification and/or description of the events related to these responses are needed, we are available to do so in person, which may be an effective way to do so, and supplement these responses.

PROTECO understands that a groundwater monitoring can be implemented using the existing monitoring wells at the Site and in the surrounding areas, including those that we understand are used by EC Waste. To use the money deposited in the Trust Fund, which is approximately \$682,000, we understand that an approval of the PCP is a priority. Therefore, PROTECO respectfully requests that notwithstanding the following response to the RFI, an approval of the PCP be discussed and finalized with the EPA and monitoring of the groundwater implemented. In addition, that maintenance of the closure cap, repairs of fences and signs, as needed, be implemented.

The response to the questions contained in EPA's RFI include exhibits that because of their size are being submitted in a Compact Disk ("CD") which is being sent by courier, while the response is transmitted by electronic mail as instructed in the RFI. The response is as follows:

- 1. Answer the following questions regarding Resources Management, Inc.:
 - State the correct legal name and mailing address for the Company;

Resources Management, Inc. (d/b/a PROTECO) Apt. 10174 Torre del Norte 1511 Ponce de León Ave. San Juan, PR 00909

b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company;

President, Chief Executive Officer and Chairman of the Board:

Dr. Jorge Fernández Pabón Apt. 10174 Torre del Norte 1511 Ponce de León Ave. San Juan. PR 00909

c. Identify the state/commonwealth and date of incorporation of the Company and the

name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different; and

RMI was originally incorporated as Resources Recovery, Inc. in the Commonwealth of Puerto Rico on June 3, 1983. In August 11, 1983 the Articles of Incorporation were amended to change the name of the corporation to Resources Management, Inc. (RMI).

The agent for service of process is Dr. Jorge Fernández Pabón

d. Identify any successor corporations, predecessor corporations, or other entities related to the Company. If the Company is or was a subsidiary or affiliate of another corporation or other entity, identify each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.

RMI's predecessor corporation is Resources Recovery, Inc.

RMI merged with PROTECO in 1989 and continued operating under the RMI's name. Prior to that, the Articles of Incorporation of Carbareón were amended to change the name of the corporation to Protección Técnica Ecológica Corp. (PROTECO). Carbareón had been incorporated in 1974.

All these legal entities were created and operated pursuant to the laws of the Commonwealth of Puerto Rico.

The positions of Executive Officers, Presidents and Chaipersons of the Boards for these entities have been occupied by the following persons:

RMI:

Jorge Fernández Pabón – CEO, President and Chairman of the Board (agent for service)

PROTECO:

Jorge Fernández Pabón – CEO, President and Chairman of the Board (agent for service)

Servicios Carbareón, Inc:

Jorge Fernández Pabón – CEO, President and Chairman of the Board (agent for service)

Carlos Bartolomei León – President and original agent for service (not sure if he was CEO and/or Chairman of the Board)

This information was obtained from the records at the PR Department of State and provided in part from our recollection. We note that in the Department of State records there is another entity called Western Waste Disposal, Inc. in the same file as PROTECO. We do not know of any information about this corporation and its relation to the entities listed above.

RMI does not have any successor corporation.

RMI is not a subsidiary or affiliate of another corporation or other entity.

Person(s) that provided the information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez.

- 2. According to EPA records, Servicios Carbareón, Inc. changed its name to Protección Técnica Ecológica Corp. (PROTECO) on or around November 14, 1985. On June 29, 1988, Resources Management, Inc. (the sole shareholder of PROTECO) merged with PROTECO. The surviving entity, pursuant to the terms and provisions of the Joint Agreement of Merger, was Resources Management, Inc., which continued to do business as PROTECO. Provide a copy of each of the following documents:
 - a. All Certificate of Amendments involving Servicios Carbareon, Inc., PROTECO, and/or Resources Management, Inc.;
 - b. The Joint Agreement of Merger between Resources Management, Inc. and PROTECO; and
 - c. Any other records documenting the above-referenced name change and merger.

Attached as EXHIBIT I are copies of the documents that were obtained from the PR Department of State records regarding these legal entities and evidencing the above-referenced name change and merger. We understand that there are no other documents related to the name change and the merger.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez.

3. Explain in detail the relationship between Servicios Carbareón, Inc., PROTECO, and Resources Management, Inc.

Servicios Carbareón, Inc. changed its name to PROTECO in 1985. PROTECO continued

to exist and operate until 1989 when it was merged with Resources Management, Inc. (RMI), which is the corporation that survived and continued doing business as PROTECO.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

4. State the dates during which Servicios Carbareón, Inc., PROTECO, and/or Resources Management, Inc. owned, operated, or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

Servicios Carbareón, Inc. entered into an agreement with Ganadera sometime between 1974 and 1975. We are not certain about the exact date. We understand that there was no written lease agreement and that the commercial arrangement between the parties was based on participation for the payments received based on trucks received at the Site.

PROTECO leased from Ganadera and operated the Site from 1985 until the merger with RMI in 1989. We have not been able to find copy of a lease agreement between PROTECO and Ganadera.

RMI discontinued disposing of hazardous wastes in 1990, to the best of our recollection. Pursuant to an EPA-approved closure plan, waste units were closed with hazardous wastes in place at the Site. Copy of the Closure and Post Closure Care Plan is included in Exhibit II. This plan includes a description of the waste units and inventory of wastes. The Closure Plan was submitted in 1996 and approved in 1997.

A Corrective Action Management Unit (CAM) Proposal for Waste Units 4, 7, 9 and 15 is included in Exhibit III, which includes additional information on the selected treatment alternative of chemical fixation and stabilization (CFS) in relation to these units.

Closure Certification dated April 9, 1999 is included in Exhibit IV.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

5. According to records filed with the Puerto Rico Secretary of State, Servicios Carbareon, Inc. may have been associated with Western Waste Disposal, Inc. at a time when Servicios Carbareon, Inc. was operating the Site. Explain in detail the relationship between Servicios Carbareon, Inc. and Western Waste Disposal, Inc. Submit all documents relating to any transactions between Servicios Carbareon, Inc., and Western Waste Disposal, Inc.,

including all documents pertaining to any agreements.

We do not have information on any association between Servicios Carbareón, Inc., and Western Waste Disposal, Inc. and do not have documents regarding any relationship between those two companies. We do not know why the records for Department of State make reference to Western Waste Disposal, Inc.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

6. According to EPA records, PROTECO entered into an Asset Purchase Agreement with EC Waste, Inc. and USA Waste Acquisition Corp., pursuant to which PROTECO sold and assigned to EC Waste, Inc., and USA Waste Acquisition Corp. certain assets and interests in the non-hazardous solid waste collection and hauling operations managed by PROTECO. Please identify the assets and interests sold and assigned pursuant to the aforementioned Asset Purchase Agreement, and provide a copy of the agreement.

The Asset Purchase Agreement has certain confidentiality provisions that obligate us to notify purchasers of any request to disclose confidential information, so that they may seek an appropriate protective order or waive compliance therewith. We do not want to breach the agreement, so have contacted Purchaser to see if they want to exercise such right. We have not received a response, so respectfully request additional time to wait for such a response.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

7. Explain in detail the relationship between PROTECO and Ecosytems, Inc. (operator of the adjacent Ecosystems Peñuelas Landfill to the east of PROTECO). Identity any managers, officers, and/or directors who held positions in both PROTECO and Ecosystems. Submit all documents relating to any transaction between PROTECO and Ecosystems, Inc. including all documents pertaining to any agreements, express or implied, for the assumption of the liabilities of PROTECO, or regarding the joint operation of the two facilities.

There is no relationship between PROTECO and Ecosystems, Inc. There are no transactions and no joint operation between these two (2) entities. Therefore, there are no agreements between both, express or implied, for the assumption of the liabilities of PROTECO.

The managers, officers and directors who have held positions in both PROTECTO and Ecosystems are:

Jorge Fernández Pabón – Officer and Director of Ecosystems and PROTECO, who no longer occupies any position in Ecosystems.

Ivelisse Estrada Rivero – Executive Vice President of PROTECO and President and Director of Ecosystems.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

8. Explain in detail the relationship between PROTECO and EC Waste, Inc. (operator of the adjacent Peñuelas Valley Landfill to the west of PROTECO). Identify any managers, officers, and/or directors who held positions in both PROTECO and EC Waste, Inc., including all documents pertaining to any agreements, express of implied, for the assumption of the liabilities of PROTECO, or regarding the joint operation of the two facilities.

PROTECO sold non-hazardous wastes related assets to EC Waste, Inc., in 1997. Please see previous response regarding purchaser opportunity to execute rights regarding confidential information and our desire not to breach the agreement.

The only person that has held positions as manager in both PROTECO and EC Waste, Inc. is engineer René Rodríguez, who currently works for EC Waste, Inc.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

9. Provide a copy of the contract entitled "Landfill Development Agreement" entered into by Peñuelas Valley Landfill, Waste Management, Inc., Dr. Jorge Fernández, and/or PROTECO.

Since the Landfill Development Agreement is an exhibit to the Asset Purchase Agreement, the same previous request regarding purchaser's rights regarding confidential information and our desire not to breach the agreement.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

10. Provide a copy of the contract entitled "Special Waste Royalty Agreement" entered by Peñuelas Valley Landfill and Dr. Jorge Fernández on or about June 20, 1997.

Since the Special Waste Royalty Development Agreement is an exhibit to the Asset Purchase Agreement, the same previous request regarding purchaser's rights regarding confidential information and our desire not to breach the agreement.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

- 11. Please describe all instances where the operators of the Site accepted waste from any company or person, or where the operators of the Site accepted substance that could be considered hazardous and not useful in their present form. Your response is to include the following:
 - a. A description of the waste sent to the Site;
 - b. The types and quantity of the waste sent to the Site;
 - c. The name, address, and EPA Identification number of the person or company who transported the waste sent to the Site
 - d. The name, address, and EPA Identification number of the person or arranged for the transport of the waste sent to the Site;
 - e. The name, address and EPA Identification number of the person or company who originated the waste sent to the Site;
 - f. The date(s) such wastes were sent to the Site;
 - g. The state (i.e., liquid, solid, or gaseous) of the wastes sent to the Site, and the manner in which the wastes were stored or disposed at the Site (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
 - h. A description of what the Site operators would do with the waste once received, if known; and
 - Copies of all records, including but not limited to hazardous waste manifests, customer contracts/invoices/receipts, incoming waste logbooks, pre-acceptance sheets, material safety data sheets, generator audit forms, and monthly reports of

waste received that document the information requested in Request #11a.--h., above.

We do not have records of the instances where hazardous wastes were accepted at the Site, including the specific information requested. We are not certain that information is available at this time. We learned from EC Waste, Inc. that some records that were kept inside a container after the sale to EC Waste, Inc. were eventually disposed of at the landfill, years after the sale.

Our recollection is that hazardous waste manifests were copied to the PR EQB, as part of the tracking requirements. We also recall that information was submitted to EPA regarding well monitoring.

PROTECO provided transportation of hazardous wastes to the Site and other third parties also provided transportation of hazardous wastes to the Site. We reviewed the list of generators included with EPA's RFI and recognized most of them as being generators that disposed of at the Site or non-hazardous wastes. Presently, we do not recall others but if we do, this response will be supplemented.

We include in Exhibit V a copy of a notification that includes a survey of the mets and bounds of the capped landfill areas which include codes of hazardous wastes. We believe this information may assist the EPA in knowing the nature, including state (liquid or solid), types, waste code designations and amounts, of the hazardous wastes disposed of at the Site and the manner in which the wastes were disposed of at the Site. We understand that this exhibit and also information provided in the Closure Plan help respond to this request.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, René Rodríguez and counsel Rafael Toro Ramírez

12. Provide the names, addresses, and telephone numbers of all persons responsible for the financial recordkeeping for the Site, past and present.

Kevane Peterson & Pasarell, 33 Bolivia ST., 4th Flr, San Juan., PR 00917 (809) 754-1915

Virgilio Vélez, CPA, PO Box 19180, San Juan, PR 00910

Héctor Vélez, Horwatz Vélez Semprit & Co., PSC, 255 Ponce de León Ave., Suite 201, San Juan, PR 00917 (787) 751-6500.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

13. Identify all persons directly involved in overseeing activities at the Site, including employees who have knowledge, information, or documents about the Site operations.

We understand that the best person to provide this information, in addition to Jorge Fernández, would be engineer René Rodríguez. There is also a person named Enrique Negrón who has knowledge about Site operations, but for whom we do not have contact information.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

14. Provide copies of boring logs, geologic reports, well logs, well locations, soil samples, and all sampling data for the Site, including sampling locations of all such samples. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

We include in Exhibit VI copy of a report titled Analysis of Potential Groundwater Flow Pathways, PROTECO Industrial Landfill Facility, Peñuelas, PR. 14. This report provides information on soils and geology.

We include in Exhibit VII copy of a document titled Dye Tracer Study Work Plan for Proteco RCRA Unit Closures, Peñuelas, PR. This document contains information on the geological formation in the area of the Site.

We have not found additional documents on boring logs, well logs, well locations, soil samples and sampling data for the Site, including their sampling locations. Attached in Exhibit VIII, we include past and current aerial photographs.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

- 15. Provide information about the Site property, including but not limited to the following:
 - a. Property boundaries, including a written legal description;
 - b. Location of any underground utilities (telephone, electrical, sewer, water main, etc.);

- c. Location of surface structures (e.g., buildings, tanks, etc.);
- d. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
- e. Any and all additions, demolitions or changes of any kind on, under or about the Site property, its physical structures or to the property itself (e.g., excavation work), and any planned additions, demolitions or other changes to the Site property; and
- f. Copies of all maps and drawings of the Site in your possession.

We include in Exhibit IX copy of a deed where the legal description of the Site is included (it is in Spanish). In addition, there is an attachment to the deed that includes the boundaries which we make reference to in response to question #11, that include drawings with survey, topographical and boundary information.

We have not found drawings with the location of any underground utilities, such as telephone, electrical, sewer and water main. The location of surface structures, such as buildings, tanks and others can be found in the drawings included in the attachment to the deed and the survey, topography and boundary drawings.

The storm water drainage system can be delineated from the topographical contours and elevations in the drawings included in the mentioned topographic drawing.

We have not found drawings regarding the sanitary sewer system, septic tank(s), subsurface disposal field(s) and/or underground structures, and/or where, when and how such systems are emptied.

We are not aware of any additions, demolitions or changes on, under or about the Site property, its physical structures or to the property itself, such as excavation work, or any planned additions, demolitions or other changes to the Site property.

We have included all the maps and drawings of the Site in our possession.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

16. Identify all past and present waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) at the Site. For each such waste management unit, provide the following information:

- a. A map showing the unit's boundaries and the location of all known waste management units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
- b. The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c. The dates that the unit was in use;
- d. The purpose and past usage (e.g., storage, spill containment, etc.);
- e. The quantity and types of materials (hazardous substances and any other chemicals) deposited or disposed of in each unit;
- f. The final disposition of the materials located in each unit (i.e., buried on-site, excavated and disposed of in a corrective action management unit, shipped off-site for disposal, etc.);
- g. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit; and
- h. If the unit is no longer in use, how it was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

The identification of past and present waste management units is contained in Exhibits II, III, IV and V. This information includes maps showing the unit's boundaries and the location of all known waste management units, with scales, location and size.

We do not have precise dates the specific units were in use, but understand that those used for hazardous wastes disposal were discontinued in approximately 1990.

The approximate quantity, types of materials, volume and size deposited or disposed of in each unit can be obtained from these Exhibits. The units are no longer in use and further information on their closure is included in these Exhibits

We have not found any other documents that could provide additional information in response to this question.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

17. For each waste management unit that was utilized for temporary storage, provide a

description of the following:

- a. The procedure for accepting hazardous substances and/or hazardous wastes for temporary storage;
- b. The identity of any generators of hazardous substances and/or hazardous wastes shipped to the Site who requested, whether by oral or written communication, that such hazardous substances and/or hazardous wastes be returned to the generator or sold for another purpose after temporary storage;
- c. Whether any hazardous substances and/or hazardous wastes shipped to the Site were in fact ever returned to generators or sold for another purpose after the hazardous substances and/or hazardous wastes were kept in temporary storage at the Site;
- d. The approximate length of time that hazardous substances and/or hazardous wastes would be kept in the temporary storage unit;
- e. The final disposition of the hazardous substances and/or hazardous wastes kept in the temporary storage unit (i.e., buried in a different unit on-site, excavated and disposed of in a corrective action management unit, shipped off-site for disposal, etc.); and
- f. The approximate percentage of hazardous substances and/or hazardous wastes kept in temporary storage that were ultimately disposed of at the Site.

Temporary storage was located at the northern portion of the Site and it was used to receive and accumulate wastes in drums. The drums included lab-packs. We had an employee named Jaqueline Medina that was trained on preparation of lab-packs. We do not have contact information on Jaqueline Medina. We recall that the lab-packs were mostly received from the Department of Education. The drums were received and accumulate din a temporary storage shed.

We understand, based on our recollection, the lab-packs were shipped off-site for disposal at Chemical Waste Management in Alabama and it is possible that they were also sent to another site in Arkansas, of which we do not recall the name.

We do not recall any hazardous substances and/or hazardous wastes shipped to the Site that were returned to generators or sold for another purpose after the hazardous substances and/or hazardous wastes were kept in temporary storage at the Site.

We understand, based on our recollection, that wastes accumulated at the temporary area were not disposed of at the Site. We recall that wastes that were considered explosive were exploded by a contractor (OHM) at the Site, following approved procedures and authorizations.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, Ivelisse Estrada and counsel Rafael Toro Ramírez

18. For each of the waste management units, provide a description of the method of waste disposal (e.g., whether the waste was compacted or crushed prior to disposal), the thickness of waste deposited, and the amount of clean cover on top of the waste.

Section 1.2 of Exhibit II provides a description of the method of waste disposal for the waste units. Information on the closure cover is included in Section 3 of Exhibit II. Additional information on the cover is contained in Sections 2.0 to 9.0 of Exhibit IV, plus its appendices and drawings.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

- 19. Explain the following terms as they relate to the method of disposal of waste, and identify which waste management unit(s) correspond to each term:
 - a. Almacenado(s); (warehousing)
 - b. Neutralizacion; (neutralization)
 - c. Inmovilizacion; (immobilization)
 - d. Laguna de Aceite; (oil lagoon)
 - e. Almacenaje Temporero; (temporary storage)
 - f. Biodegradacion; (biodegradation) and
 - g. Relleno Industrial (industrial fill).

We understand that the following table responds to these terms, as they relate to the method of disposal of waste:

Waste Unit	Description
I	Drums burial pits. Approximately 5,800 drums believed to contain approximately 317,000 gallons of waste.

Drums burial pits. Approximately 1700 drums believed to contain approximately 92,600 gallons of waste. Above ground storage facility. Approximately 1,000 drums containing waste were removed in 1992. Drums burial pits. Drums and material is unknown. Neutralization impoundment. Corrosive waste and no listed waste. Estimated that 2,700 cubic yard of waste removed, treated and closed as part of the CAMU. Oil lagoon used to collect waste oil. Approximately 477,700 gallons of water and approximately 300,000 gallons of sludge.
Containing waste were removed in 1992. Drums burial pits. Drums and material is unknown. Neutralization impoundment. Corrosive waste and no listed waste. Estimated that 2,700 cubic yard of waste removed, treated and closed as part of the CAMU. Oil lagoon used to collect waste oil. Approximately 477,700
Neutralization impoundment. Corrosive waste and no listed waste. Estimated that 2,700 cubic yard of waste removed, treated and closed as part of the CAMU. Oil lagoon used to collect waste oil. Approximately 477,700
waste. Estimated that 2,700 cubic yard of waste removed, treated and closed as part of the CAMU. Oil lagoon used to collect waste oil. Approximately 477,700
Immobilization, which we understand contained approximately 950 cubic yard of waste. The constituents are not known.
Immobilization, which we understand contained approximately 5,800 cubic yard of waste.
Land treatment area and contains approximately 17,800 cubic yards of waste.
Rainwater collection lagoon for the Site. Information on constituents contained in the rainwater unknown.
Above ground storage tank which formerly contained shampoo contaminated with Lindane.
Immobilization, which we understand contained approximately 29,700 cubic yards of waste.
Neutralization impoundment, which we understand contained 30,200 gallons of waste.

The information summarized in this table was obtained from Exhibit II, where additional description is provided. For the temporary storage, see the description in our previous response.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

20. According to EPA records, nine hundred and fifty-six (956) drums kept in waste management unit #4 (also referred to as the Aboveground Container Storage Area) were disposed of off-site at an authorized facility on the U.S. mainland in 1994 as part of the closure activities under RCRA. Please provide all records, including but not limited to manifests, receipts, and/or inventories, documenting the off-site disposal of the 956 drums stored in unit #4.

Based on our review of Exhibits II, III and IV, approximately 1,000 drums containing contaminated waste were removed from Waste Unit #4 in the summer of 1992 were removed and disposed in a permitted facility in the United States.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

- 21. Indicate whether, aside from the above-referenced 956 drums removed from unit #4, PROTECO otherwise accepted waste and then transported such waste off-site. If yes, provide narrative and documentary information as to any waste PROTECO transported off-site, including but not limited to copies of:
 - Shipping manifests;
 - b. Shipping logs;
 - c. Receipts;
 - d. Weight tickets; and/or
 - e. Permits.

Based on our review of Exhibits II, III and IV, we do not know if other waste was accepted and then transported off-site, except for the drummed lab-packs which we described for the temporary storage in a previous response.

Regarding manifests, logs, receipts, weight tickets and permits, all which were part of the records stored in a container after the sale to EC Waste, Inc., please see our previous response regarding their storage and later disposal at the landfill.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

- 22. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:
 - a. When such releases occurred;
 - b. How the releases occurred (e.g., the details of instances where substances were released during storage, delivery, transport, transfer, and/or treatment);
 - c. The amount of each hazardous substance, pollutant, or contaminant so released;
 - d. Where such releases occurred:
 - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release:
 - f. Any and all investigations of the circumstances, nature, extent, or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing undertaken; and All persons with information relating to these releases.

We have not found information on leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants, except for the waste units as described in Exhibits II, III and IV which did not have liners. Since they do not have liners, it may be interpreted to constitute releases into the environment.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

- 23. Explain what actions the Company has taken since 2001 to maintain the Site and protect the closed waste units, including but not limited to the following:
 - a. What actions the Company has taken to maintain the caps and cover systems of the waste units, and when those actions occurred;
 - b. What actions the Company has taken to control vegetative growth, and when those actions occurred;
 - c. What actions the Company has taken to restrict access to the Site, i.e., by maintaining fences, and when those actions occurred; and

d. What actions the Company has taken to collect and dispose of leachate from the Corrective Action Management Unit at the Site, and when those actions occurred.

The Company has taken the following actions since 2001 to maintain the Site and protect the closed waste units:

Maintain caps and cover systems:

We provided maintenance in the form of cutting the vegetation on top of the cap and cover system.

Control vegetative growth:

We provided maintenance in the form of cutting the vegetation at the Site.

Restrict access:

The Site was fenced to the best of our understanding since the closure construction was completed. In addition, prior to the Site there is a guard house that is also used by EC Waste, Inc. for the operation of the landfill. This guard house serves to restrict access to the Site. In addition, signs were placed on the fence installed around the Site.

Collect and dispose of leachate from CAM Unit at Site:

No leachate collection and disposal have been collected from the CAM Unit at the Site.

The maintenance actions were discontinued in 2009.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

24. For each answer provided in response to Request #23, above, provide supporting documentation including but not limited to contracts, agreements, reports, photos, manifests, waste logs, etc.

We do not have copies of contracts, agreements, reports, photos, manifests or waste logs regarding the maintenance described in Request #23.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

25. According to EPA records, a closure trust fund was established for the benefit of EPA pursuant to a Trust Agreement that was entered into in May 1998 by Resources Management, Inc., d/b/a PROTECO as "Grantor" and Banco Santander de Puerto Rico (succeeded by Banco Popular de Puerto Rico) as "Trustee." Provide account statements for this closure trust fund for the last five years. Please also provide information and supporting documentation regarding the status of the trust fund, including the account number, the amount presently in the fund, and the extent to which withdrawals, if any, have been made and if so, by whom.

Copies of the account statements of the fund established pursuant to a Trust Agreement for the years 2017-2018, which are the only ones available from Banco Popular de PR, are included in Exhibit X. We do not have copies for other years. These provide account number and present balance. This is the current status of the trust fund. Copy of the Trust Agreement is also included.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, Manuel Viota, CPA and counsel Rafael Toro Ramírez

26. According to records filed with the Puerto Rico Secretary of State, as of December 31, 1998, the Company had deposited a total of \$2,810,439 in a closure escrow account that was to be used to fund costs incurred as a result of closure obligations. Please provide information and supporting documentation regarding the status of the escrow account, including account statements for the escrow account, for the last five years. Provide a detailed summary of the costs incurred to satisfy closure and post-closure obligations at the Site, and whether the funds contained in the closure escrow account were utilized for this purpose.

We understand that all money from the escrow was used for the closure of the CAM Unit and the closure of Unit #14, and that at some point, the money from the escrow was deposited in the Trust Fund.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

27. Indicate whether any hazardous substances or hazardous waste from the Site was ever disposed of at the Peñuelas Valley Landfill (located to the west of PROTECO) or Ecosystems Peñuelas Landfill (located to the east of PROTECO).

We do not have personal knowledge about hazardous substances or hazardous waste from the Site being disposed of at the Peñuelas Valley Landfill (located to the west of the Site) or Ecosystems Peñuelas Landfill (located to the east of the Site).

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, Ivelisse Estrada and counsel Rafael Toro Ramírez

28. According to EPA records, there were six white horizontal tanks on an elevated plateau at the center of the Site that were reportedly used to hold nonhazardous wastewaters. Aerial photographs taken in approximately 2015 reveal a cleared pathway through the overgrown vegetation between the cattle ranch located at the Site, the location of the white horizontal tanks, and the Ecosystems Peñuelas Landfill to the east. The photographs indicate that two of the six horizontal tanks were removed. Provide any documentation that these tanks were emptied during the closure activities under RCRA. Indicate whether the tanks were ever used after all closure activities were completed. Explain the contents of the tanks, why two of the tanks were removed, where they were taken, and the ultimate disposition of the tanks.

The tanks were used to receive non-hazardous wastes in liquid form. The liquid waste then flowed by gravity to a mixing system for solidification and disposal as non-hazardous waste. They were not emptied as part of closure activities under RCRA, since to our best understanding they were non-RCRA.

There were six tanks that were no longer in use and two of the tanks were removed and sent to the Ecosystems non-hazardous waste landfill to be used as part of the leachate collection system.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, Ivelisse Estrada and counsel Rafael Toro Ramírez

- 29. Provide the following information regarding the cattle ranch at the Site:
 - a. When the cattle ranch began operating at the Site;
 - b. The name, address, and contact information of the owner of the cattle; and
 - c. Details regarding any lease agreement, written or verbal, regarding the cattle ranch operation, including the duration of the lease and the amount of lease payments.

We do not have much information on a cattle ranch per se, and understand that the cattle in the area are what we would consider stray cattle. We do not know the name of the owner of the cattle or his contact information. There is no agreement, written or verbal, between PROTECO and the owner of the cattle.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

30. Please provide all documents, if not already requested above, that support your responses to Requests # 1 - #29, above.

We have included in the exhibits all of the documents that we have found and that we understand provide information in relation to the questions presented and the responses provided. We do not have additional documents, since the records that were accumulated after the sale for several years were disposed of at the landfill.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

- 31. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. The Company's document retention policy between 1975 and 2018;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and
 - e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

Documents solicited in this information request are no longer available were part of the records that were accumulated in a container located at the EC Waste, Inc. facilities and several years after the sale, were disposed of at the landfill.

We did not have a policy for retention of documents between 1975 and 2018.

We do not know the date these records were disposed of.

The type of information that could have been contained in those documents include hazardous waste manifests, reports to the PR EQB and EPA, waste profiles, personnel information, and other information regarding clients and nature of wastes, plus other documents kept as part of the administration and accounting of the business.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, René Rodríguez and counsel Rafael Toro Ramírez

32. Please provide copies of the Company's financial statements, shareholder's reports, financial audits, or other financial reports showing its assets, profits, liabilities, and current financial status for the last five years.

Copies of PROTECO's financial balance sheet and status provided by the CPA for the last five years, are included in Exhibit XI. The balance sheet shows not much activity during these years. There are no additional financial reports since PROTECO has no commercial activities.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón, Manuel Viota, CPA and counsel Rafael Toro Ramírez

33. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary, or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.

There are no agreements or contracts, including insurance policies and/or indemnification agreements, held or entered into by PROTECO that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Site. No such insurance policies and/or agreements are in effect nor were in effect during the period(s) when any hazardous substances, hazardous

wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Site.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

34. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, claim number, date of claim, amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.

No claims have been made by PROTECO to any insurance company for any loss or damage related to operation at the Site.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

Jorge Fernández Pabón and counsel Rafael Toro Ramírez

35. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

We do not know of other persons able to provide more detailed or complete response to any requests contained herein or who may be able to provide additional responsive documents, other than the names of the ones already mentioned in the responses above.

Person(s) that provided information that was used or considered in responding to this question, or were consulted in the preparation of this response:

- 36. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.
 - 1) Jorge Fernández Pabón President

RMI Apt. 10174 Torre del Norte 1511 Ponce de León Ave. San Juan, PR 00909

Has personal knowledge of the information in most of the answers provided and relied on the recent review of documents included with this response.

2) Ivelisse Estrada Rivero

Prior Exec. VP of PROTECO President of Ecosystems, Inc. PO Box 13459, San Juan, PR 00908 PR-385, Km 4.5, Peñuelas, PR 00624

Has personal knowledge of the information in some of the answers provided and relied on the recent review of documents included with these responses.

3) René Rodríguez, P.E. Manager at EC Waste, Inc. PR-923, Km 2.5

Bo. Buena Vista Humacao, PR 00791

Has personal knowledge of the information in some of the answers provided in these responses.

4) Manuel Viota, CPA Galería San Patricio C-5 Tabonuco St. Suite 205 Guaynabo, PR 00968

Has personal knowledge of the information in some of the answers provided in these responses.

5) Rafael Toro Ramirez

Legal Counsel P.O. Box 11064 San Juan, PR 00922-1064

Does not have personal knowledge of the information in the answers provided and relied on the review of documents included with this response.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of Puerto Rico

County/Municipality of San Juan

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA 's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

> Jorge Fernández Pabón NAME (print or type)

President

TITLE (print or type)

SIGNATURE

Sworn to before me this 21st day of June 2019.



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(Compact Disk)

Exhibit I: Department of State Documentations

Exhibit II: Closure and Post Closure Plan 1996

Exhibit III: Corrective Action Management Unit Proposal for Waste Units 4, 7, 9 and

15 996

Exhibit IV: Closure Certification Report

Exhibit V: Survey Plat

Exhibit VI: Analysis of Potential Groundwater Flow Pathways

Exhibit VII: Dye Tracer Study Work Plan for Proteco RCRA Unit Closures

Exhibit VIII: Aerial Photographs

Exhibit IX: Deed of Property

Exhibit X: Trust Fund Account Statements

Exhibit XI: PROTECO's Financial Documents